(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO. 46 OF 2004.

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Petitioner in person.

Mr. A.N.S. Nadkarni, Advocate General with Mr. H.D. Naik, Addl. Govt. Advocate for the Respondent No.1.

CORAM : N.N. MHATRE &
P.V. HARDAS, JJ.

DATE : 16TH FEBRUARY, 2004.

P.C.:

Heard the petitioner in person and the learned Advocate General on behalf of the Respondent No.1.

It appears that in pursuance to a dispute under Section 145 Cr.P.C., the Sub-Divisional Magistrate, Ponda, in Case No. MAG/145/30/2003, by his Order dated 23rd May, 2003, at Annexure-1 had appointed the present petitioner as a Receiver. Thereafter vide Annexure-8, a declaration submitted by the petitioner in his capacity as

Receiver dated 6th November, 2003 he had prayed that the proceedings be disposed of in terms of his declaration. The petitioner is not aware as to the final orders, if any, passed by the Sub-Divisional Magistrate, Ponda in the proceedings under S.145 Cr.P.C. The petitioner has rushed to this Court by filing a petition under Art.226 of the Constitution of India with a prayer clause which reads as under:-

" Pray, the Hon'ble High Court please dispose off this Petition finding the best settlement of compromise by Annexure-8 in order as per law. "

The petitioner has adequate alternate remedy and since the petitioner is not in a position to state before us as to whether the proceedings before the Sub-Divisional Magistrate, Ponda are pending or have culminated in final order being passed, we are not

inclined to interfere, as according to us also the petition as filed, is not maintainable.

Petition therefore accordingly dismissed with no order as to costs.

NISHITA MHATRE, J.

P.V. HARDAS, J.

sl.